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4.19.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: | ) | Art Unit: 1642 |
| TAYLOR-PAPADIMITRIOU, et al. | ) | Examiner: YU, MISOOK |
| Serial No.: 09/729,226 | ) | Washington, D.C. |
| Filed: December 5, 2000 | ) | April 11, 2002 |
| For: ANTIGENS DERIVED FROM THE CORE PROTEIN... | ) | Docket No.: TAYLOR=1F |

**ELECTION WITH TRAVERSE**

Commissioner of Patents
Washington, D.C. 20231

S i r :

In response to the restriction requirement mailed February 11, 2002, Applicants hereby elect group I, with traverse.

The restriction between group I (vector) and group II (first method of use) is traversed on the ground that the subject matter of group I is patentable, and hence dependent method-of-use claims are properly rejoined in accordance with MPEP §821.04. Claim 2 is already dependent on claim 1. Claim 3 has been amended to make it dependent on claim 1 (excision of (a) and (b) was necessary for consistency).

The restriction between group I (vector) and group (III) (second method of use) is likewise traversed. Claim 8 has been suitably amended.

It is noted that in the prosecution of USP 6,054,438 (which issued on the parent application), claims to both DNA molecules (including vectors) and methods of use were examined (and allowed). Hence, it cannot be considered burdensome to examine both categories here.

The restriction is further traversed on procedural grounds, as unclear. Claim 8 is assigned to both groups II and III. However, it is not expressly identified as a linking claim.

Confirmation is sought that claim 8 belongs to both groups.

Respectfully submitted,

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**PRELIMINARY AMENDMENT**

Commissioner of Patents
Washington, D.C. 20231

S i r :

**IN THE CLAIMS**

Please amend claims 3 and 8 as follows:

3 (amended). A method of immunizing a subject against a disease characterized by the immunological presentation of an epitope specifically bound by monoclonal antibody SM-3, which comprises administering to the subject a vector according to claim 1 comprising a promoter sequence operably linked to a coding sequence, the latter encoding an antigen, under conditions in which the vector directs expression of said antigen, which elicits an immune response which is protective against such disease,
said antigen being said polypeptide comprising the core protein of a human polymorphic epithelial mucin, which core protein is specifically bound by monoclonal antibody SM-3.

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8 (amended). A method of expressing an SM-3 reactive antigen in a host cell which comprises introducing into a suitable host cell a vector according to claim 1 comprising a promoter sequence operably linked to a coding sequence, the latter encoding an antigen, and subjecting the cell to conditions in which the vector directs expression of said antigen, the antigen being said polypeptide comprising the core protein of a

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